UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,426	04/20/2006	Alexander Jarczyk	2003P16051WOUS	3753

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EXAMINER
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ART UNIT	PAPER NUMBER
4146	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/576,426	JARCZYK, ALEXANDER
	Examiner	Art Unit	
	PAKEE FANG	4146	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2006*.

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04/20/2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All b)☐ Some * c)☐ None of:

　　　　1.☒ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *04/20/2006*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   **Claims 9 - 20 are presented for examination.**

Priority

2.   Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in the application filed on 04/20/2006.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 04/20/2006 is in compliance

with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being

considered by the examiner.

Specification

4.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

        The abstract should be in narrative form and generally limited to a single paragraph on a
separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed
150 words in length since the space provided for the abstract on the computer tape used by the
printer is limited. The form and legal phraseology often used in patent claims, such as "means"
and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist
readers in deciding whether there is a need for consulting the full patent text for details.

        The language should be clear and concise and should not repeat information given in the
title. It should avoid using phrases which can be implied, such as, "The disclosure concerns,"
"The disclosure defined by this invention," "The disclosure describes," etc.

5.   The abstract of the disclosure is objected to because it contains the word "said" and

"means". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 – 14 & 17 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by

Boals at el. (US Pub. 20030146907).

In regard to claim 9, *a communications device, comprising;* see at least (Boals; Fig. 1 - 3,

item 100 & 101) – for a communications device on figure 1, item 100 & 101;

a display unit for displaying characters; see at least (Boals; Fig. 36 – 37; [0246]) – for a

display unit for displaying character icons. "FIG. 36 is a plan view of the wireless interface

device illustrating the hot icon area and viewing area of the display;" [0026];

a data entry pen for highlighting displayed characters; see at least (Boals; Fig. 31 – 35;

[0246]) – for a pen for selecting or highlighting the displayed characters. "In step 1216, the

coordinates of the current pen-down event are processed to determine if the current pen-down

event occurred in the hot icon area 1202 of the LCD 113C. If the pen-down event occurred in the

hot icon area 1202 (FIG. 36), a flag is turned on indicating the hot icon area 1202 was selected in step 1218" [0246];

an actuating element; see at least (Boals; Fig. 31 – 35; [0376]) – for a soft key actuating element. "…the wireless interface device is provided with an on – screen keyboard (OSK) which can be actuated by pressing the hot icon 1480…" [0376];

and a processor functionally connected to the actuating element for selecting such character currently highlighted by the data entry pen upon actuating the actuating element by a user. see at least (Boals; Fig. 1, Items 112, 113 & Fig. 36 – 37, Item 113; [0075 – 0076] & [0246 – 0250]) – for a "a central processing unit (CPU) 112, a local memory system 111, a pen-based input subsystem (STYLUS) 110, a display subsystem 113" [0075] connected to soft key actuating element for selecting character being selected or highlighted by the pen upon actuating the soft key actuating element by a user. "If a pen-up event occurs subsequent to a pen-down event, control is passed to a hot icon identification (ID) processor (FIG. 32) in step 1210, which, as will be discussed below, processes the pen position to determine which of the hot icons in the hot icon area 1202 of the LCD screen 113C was selected." [0246] "In a pen mode, a trail of ink tracking the path of the stylus (pen paradigm) provides visual feedback to the user by way of a pen digitizer."[0069].

In regard to claim 10, *wherein the display unit is a touch-sensitive display unit;* see at

least (Boals; Fig. 1 – 4 & 31 – 35; [0082 – 0088]) – for a display unit that is a touch-sensitive

display unit. *"...the digitizer panel... an analog-resistive touch screen."* [0083].

In regard to claim 11, *wherein the actuating element and the data entry pen are*

physically or functionally separate elements; see at least (Boals; Fig. 1 & Fig. 36 – 37; [0075 –*

0076] & [0246 – 0250]) – "If a pen-up event occurs subsequent to a pen-down event, control is

passed to a hot icon identification (ID) processor (FIG. 32) in step 1210, which, as will be

discussed below, processes the pen position to determine which of the hot icons in the hot icon

area 1202 of the LCD screen 113C was selected."[0246] which indicates the pen and the soft key

or hot icons on the display are physically and functionally two separate elements.

In regard to claim 12, *wherein the actuating element is configured to be actuated by*

either pressing the actuating element or releasing the actuating element; see at least (Boals; Fig.

1 & Fig. 36 – 37; [0075 – 0076] & [0246 – 0250]) – "If a pen-up event occurs subsequent to a

pen-down event, control is passed to a hot icon identification (ID) processor (FIG. 32) in step

1210, which, as will be discussed below, processes the pen position to determine which of the

hot icons in the hot icon area 1202 of the LCD screen 113C was selected."[0246] which indicates

the soft key actuating elements can be actuated by pressing the actuating elements. "...the

wireless interface device is provided with an on – screen keyboard (OSK) which can be actuated

by pressing the hot icon 1480..." [0376].

In regard to claim 13, *further comprising a virtual keyboard configured to be*

automatically displayed on the display unit upon the data entry pen entering an approach zone

arranged in front of the display unit; see at least (Boals; Fig. 1 & Fig. 31-34; [0075 – 0076] &

[0246 – 0250]) – for a diagram illustrating when the pen touches an intended zone arranged in

front of the display the on-screen keyboard will configure automatically to be displayed. "…each

pen event in order to determine the location of the pen-down event… Once the system

determines where the pen event occurred… the wireless interface device 100, through its

graphical user interface, provides a virtual or on –screen keyboard (OSK)." [0247].

In regard to claim 14, *further comprising a virtual keyboard configured to be*

automatically displayed on the display unit upon the data entry pen touching the display unit;

see at least (Boals; Fig. 1 & Fig. 31-34; [0075 – 0076] & [0246 – 0250]) – for a diagram

illustrating when the pen touches an intended zone arranged in front of the display the on-screen

keyboard will configure automatically to be displayed. "…each pen event in order to determine

the location of the pen-down event… Once the system determines where the pen event

occurred… the wireless interface device 100, through its graphical user interface, provides a

virtual or on –screen keyboard (OSK)." [0247].

In regard to claim 17, *wherein the actuating element includes a key of the*

communications device, the key also serving other functional purposes of the communications

device; See at least (Boals; Fig. 35 - 40; [0375 – 0385]) – for actuating element that is a soft key

or icons of the communication device, and the key can also serving other functional purposes of

the communication. "…the wireless interface device is provided with an on – screen keyboard

(OSK) which can be actuated by pressing the hot icon 1480…" [0376].

In regard to claim 18, *wherein characters of the virtual keyboard are configured to be highlighted by the data entry pen,* see at least (Boals; Fig. 31 – 35 & 66 & 90 -94; [0243 – 0255]) – for a pen for selecting or highlighting the displayed characters of the virtual keyboard. "…a flag is turned on indicating the hot icon area 1202 was selected."[0246] by the data pen on the soft key of the on screen keyboard, which serve as a functional equivalence of the limitation.

highlighted characters of the virtual keyboard are configured to be selected by actuating the actuating element, see at least (Boals; Fig. 66 & 90 -94; [0315 – 0320]) – for the highlighted characters of the virtual keyboard are activated by actuating the actuating element or the soft keys.

and a selected highlighted character of the virtual keyboard is displayed in a text field of the display unit; see at least (Boals; Fig. 66 & 90 -94) – for the highlighted characters of the virtual keyboard is displayed in a text field.

In regard to claim 19, *wherein characters of the virtual keyboard are configured to be highlighted by the data entry pen,* see at least (Boals; Fig. 31 – 35 & 66 & 90 -94; [0243 – 0255]) – for a pen for selecting or highlighting the displayed characters of the virtual keyboard.

highlighted characters of the virtual keyboard are configured to be selected by actuating the actuating element, see at least (Boals; Fig. 66 & 90 -94; [0315 – 0320]) – for the highlighted characters of the virtual keyboard are activated by actuating the actuating element or the soft keys.

and a selected highlighted character of the virtual keyboard is displayed in a text field of the display unit; see at least (Boals; Fig. 66 & 90 -94) – for the highlighted characters of the virtual keyboard is displayed in a text field.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

9.   Claims 15- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boals et al.

in view of Yanchar et al. (PG Pub. 20030063126).

In regard to claim 15, *wherein the virtual keyboard is automatically removed from the*

display unit when the data entry pen leaves the approach zone; Boals discloses a virtual

keyboard automatically appears when the data entry pen touches the target or actuating element

on a display. See at least (Boals; Fig. 1 & Fig. 31-34; [0075 – 0076] & [0246 – 0250]) "…each

pen event in order to determine the location of the pen-down event… Once the system

determines where the pen event occurred… the wireless interface device 100, through its

graphical user interface, provides a virtual or on –screen keyboard (OSK)." But, fails to disclose

the keyboard will automatically removed when the pen leaves the zone. However, Yanchar

discloses an auto-hide feature on the display. Auto-hide feature will activate when a cursor or

pointer move on to the targeted zone or application in order to show the application, and the

application will disappear when the pointer or cursor leaves the targeted zone or application. See

at least, "…auto-hide functionality that, when enabled, causes the palette's window to appear

when a cursor moves onto the palette." & "…using auto-hide functionality that, when enabled,

causes the palette's window to disappear when a cursor moves off of the palette…" [0196 -0197].

Since, Boals and Yanchar inventions are both analogous arts addressing a display system.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention

to combine the auto-activation of virtual keyboard by use a pointer or pen on display of Boals,

with auto-hide feature on a display of Yanchar to make the virtual keyboard automatically

removed when the pen leaves the targeted zone, because this will improve the flexibility of the

application in order to conserve screen space for other applications on the display.

       In regard to claim 16, *wherein the virtual keyboard is automatically removed from the*

display unit when the data entry pen loses touch with the display unit; Boals discloses a virtual

keyboard automatically appears when the data entry pen touches the target or actuating element

on a display. See at least (Boals; Fig. 1 & Fig. 31-34; [0075 – 0076] & [0246 – 0250]) "…each

pen event in order to determine the location of the pen-down event… Once the system

determines where the pen event occurred… the wireless interface device 100, through its

graphical user interface, provides a virtual or on –screen keyboard (OSK)." But, fails to disclose

the keyboard will automatically removed when the pen leaves the zone. However, Yanchar

discloses an auto-hide feature on the display. Auto-hide feature will activate when a cursor or

pointer move on to the targeted zone or application in order to show the application, and the

application will disappear when the pointer or cursor leaves the targeted zone or application. See

at least, "…auto-hide functionality that, when enabled, causes the palette's window to appear

when a cursor moves onto the palette." & "…using auto-hide functionality that, when enabled,

causes the palette's window to disappear when a cursor moves off of the palette…" [0196 -0197].

Since, Boals and Yanchar inventions are both analogous arts addressing a display system.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention

to combine the auto-activation of virtual keyboard by use a pointer or pen on display of Boals,

with auto-hide feature on a display of Yanchar to make the virtual keyboard automatically

removed when the pen leaves the targeted zone, because this will improve the flexibility of the

application in order to conserve screen space for other applications on the display.

10.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boals et al. in

view of Koga et al. (PG Pub. 20040056837).

In regard to claim 20, *wherein a selected highlighted character is displayed in an*

accentuated form for easy visual distinction of the selected highlighted character from other

displayed characters; Boals discloses a virtual keyboard with characters which can be selected

or highlighted. But, fails to disclose the selected or highlighted character can be displayed in an

accentuated form which can be easily distinct from other displayed characters by visual

observation. However, Koga discloses a selected or highlighted character can be displayed in an

accentuated form which can be easily distinct from other displayed characters by visual

observation on Fig. 25, Item 281b. Since, Boals and Koga inventions are both analogous arts

addressing a display system. Therefore, it would have been obvious for one of ordinary skill in

the art at the time of invention to combine the highlighted characters of virtual keyboard of

Boals, with the accentuated form of character of Koga to make the highlighted characters more

observable, because this will serve as an indication to the viewer for the character or the items

which he/she selected.

Conclusion

Prior Art

11.   The prior art made of record and not relied upon is considered pertinent to applicant's
disclosure.

Bi (US Pat. 6924790) - The present invention relates to a pen-based device portable
personal computer system, and more particularly, to a pen-based portable personal computer
system that is adapted to operate in both a pen mode and a mouse mode, utilizing a passive stylus
as an input device.

Moriya et al. (US Pat. 6727891) - This invention relates to small digital informational
devices, such as personal digital assistants (PDA) and cellular mobile telephones, and, in
particular to means for inputting graphical and spatial information into such devices.

Murphy (US Pub. 20030197736 A1) - The present invention is a method and apparatus
for entry of alphanumeric characters or symbols, employing fewer, data entry keys than the
number of characters to be selected from. In particular the invention "multiplexes" a given
display area to control the display of specific character groupings and to facilitate user selection
and entry or editing of characters.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to PAKEE FANG whose telephone number is (571)270-7219. The
examiner can normally be reached on Monday-Friday 9AM-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Patel Ramesh can be reached on (571)272-3688. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAKEE FANG/
Examiner, Art Unit 4146

/Ramesh B. Patel/
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